

HOUSE BILL 1629

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 33,  
relative to nationwide criminal history records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-2-1202(b)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) Supply fingerprint samples to be submitted for a nationwide criminal history records check to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, or a state-licensed private investigation company.

SECTION 2. Tennessee Code Annotated Section 33-2-1202(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) The organization shall check past work and personal references prior to employment of applicants. At a minimum the organization shall communicate directly with the most recent employer and each employer identified by the applicant as having employed the applicant for more than six (6) months in the past five (5) years. The organization shall communicate directly with at least two (2) of the personal references identified by the applicant.

(2) The organization shall check the registry maintained by the department of health pursuant to § 68-11-1001 prior to employment of applicants or their use as a volunteer in the organization. No individual who is listed on the registry may be hired or otherwise permitted to provide services in the organization.

(3) Within or prior to ten (10) days of employment of an individual, an organization shall submit the information required under this subsection (c) to the entity conducting the criminal background check.

(4) Subsection (b) and (c) shall not apply to organizations that contract with the department of intellectual and developmental disabilities services for residential services, day services or supported employment services; those organizations shall comply with subsection (e).

SECTION 3. Tennessee Code Annotated, Section 33-2-1202(e)(1)(D), is amended by deleting the section in its entirety and substituting instead the following:

(D)

(i) Supply fingerprint samples to be submitted for a nationwide criminal history records check to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, or a state-licensed private investigation company.

(ii) The organization shall check the registry maintained by the department of health pursuant to § 68-11-1001 prior to employment of applicants or their use as a volunteer in the organization. No individual who is listed on the registry may be hired or otherwise permitted to provide services in the organization.

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.